

NOT FOR PUBLICATION**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DARIUS HEIMER GITTENS,

Plaintiff,

v.

WILLIE J. BONDS, et al.,

Defendants.

Civil Action No. 19-13450 (KMW) (MJS)

MEMORANDUM ORDER

This matter comes before the Court on Plaintiff's letter request for permission to file a sur-reply in light of Defendants' provision of a document in their briefing which Plaintiff did not previously receive in discovery. (ECF No. 169.) As it appears that Plaintiff was not previously provided those documents, and as basic fairness requires that a party have "an opportunity to address th[e] claims" of his adversary, *see, e.g., Soto v. United States*, No. 04-2108, 2005 WL 3078177, at *6 (D.N.J. Nov. 16, 2005), that request is granted. Plaintiff shall be permitted to file his sur-reply within fourteen days. To the extent Defendants feel that a response to that sur-reply is necessary, they may file it within seven days of the date on which the sur-reply is filed.

Also before the Court is Defendants' unopposed motion to seal portions of the summary judgment. (ECF No. 153.) Given the nature of the information contained in those exhibits, the state's need to protect certain private information regarding prison operations, the fact that such records are confidential under applicable state law, the lack of opposition from Plaintiff, and the Court having considered the public's interest in this matter, that motion shall be granted. The documents filed in ECF No. 149 shall be sealed.

IT IS THEREFORE on this __9th__ day of September, 2024,

ORDERED that Plaintiff's request for permission to file a sur-reply (ECF No 169) is **GRANTED**; and it is further

ORDERED that Plaintiff may file his sur-reply within fourteen days of the date of this Order; and it is further

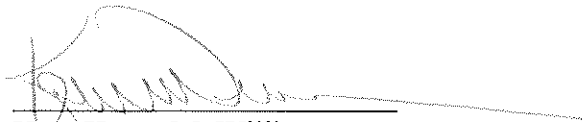
ORDERED that Defendants shall file any response to the sur-reply within seven days of the date of its filing; and it is further

ORDERED that the Clerk of the Court shall terminate Defendants' motions for summary judgment (ECF Nos. 148 and 150) pending the completion of this additional briefing; and it is further

ORDERED that Defendants' motion to seal portions of the summary judgment record (ECF No. 153) is **GRANTED**; and it is further

ORDERED that the documents filed in ECF No. 149 shall be **SEALED**; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon the parties electronically.


Hon. Karen M. Williams,
United States District Judge